

Greenberg Traurig, LLP  
10845 Griffith Peak Drive, Suite 600  
Las Vegas, NV 89135  
(702) 792-3773  
(702) 792-9002 (fax)

ERIC W. SWANIS, ESQ.  
Nevada Bar No. 006840  
GLENN F. MEIER, ESQ.  
Nevada Bar No. 006059  
**GREENBERG TRAURIG, LLP**  
10845 Griffith Peak Drive, Suite 600  
Las Vegas, Nevada 89135  
Telephone: (702) 792.3773  
Facsimile: (702) 792.9002  
Email: [swanise@gtlaw.com](mailto:swanise@gtlaw.com)  
[meierg@gtlaw.com](mailto:meierg@gtlaw.com)

CHRISTOPHER J. NEUMANN, ESQ.\*  
MATTHEW L. CROCKETT, ESQ.\*  
GREGORY R. TAN, ESQ.\*  
CANDACE UDUEBOR, ESQ.\*  
*\*Admitted Pro Hac Vice*  
**GREENBERG TRAURIG, LLP**  
1144 15<sup>th</sup> Street, Suite 3300  
Denver, Colorado 80202  
Telephone: (303) 572.6500  
Email: [neumannc@gtlaw.com](mailto:neumannc@gtlaw.com)  
[crockettm@gtlaw.com](mailto:crockettm@gtlaw.com)  
[tangr@gtlaw.com](mailto:tangr@gtlaw.com)  
[uduebor@gtlaw.com](mailto:uduebor@gtlaw.com)

LORI G. COHEN, ESQ.  
*Admitted Pro Hac Vice*  
**GREENBERG TRAURIG, LLP**  
Terminus 200  
333 Piedmont Road NE, Suite 2500  
Atlanta, Georgia 30305  
Telephone: (678) 553.2385  
Email: [cohenl@gtlaw.com](mailto:cohenl@gtlaw.com)

*Counsel for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

REECE FREEMAN; BRITTANY FREEMAN,

Plaintiff,

v.

C. R. BARD, INC.; BARD PERIPHERAL  
VASCULAR, INCORPORATED,

Defendants.

CASE NO. 2:19-cv-01572-RFB-BNW

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING DISCOVERY  
DEADLINES FOR LIMITED PURPOSES**

**(FIRST REQUEST)**

COME NOW Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (“Bard” or “Defendants”) and Plaintiffs REECE FREEMAN and BRITTANY FREEMAN (“Plaintiffs”), by and through their undersigned counsel of record, pursuant to LR IA 6-1, and hereby stipulate that the discovery deadlines be extended for the limited purpose of allowing the depositions of Plaintiffs’ disclosed family and friend witnesses as well as Defendants’ applicable territory and/or district managers as outlined below. This is the first request for extension of discovery deadlines for this limited purpose.

The parties have engaged in settlement discussions, have conducted written discovery, and are now in the process of deposing fact witnesses. Plaintiffs have been deposed. Mr. Freeman’s treating physicians have also been deposed or will be deposed within the deadline set by the Stipulated Discovery Plan and Scheduling Order, Dkt. 41. However, in an effort to conserve the resources of the Parties and to facilitate settlement discussions, the Parties have agreed to reserve the right to take the depositions of Plaintiffs’ disclosed family and friend witnesses, as well as Defendants’ applicable territory and district managers, until no later than thirty (30) days before trial is scheduled to begin.

Pursuant to Federal Rules of Civil Procedure 6(b) and 26, and the Court’s inherent authority and discretion to manage its own docket, this Court has the authority to grant the requested extension. Fed. R. Civ. P. 6(b) (“When an act may or must be done within a specified time the court may, for good cause, extend the time....”); Fed. R. Civ. P. 26(a) (“A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending . . . The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.”). Furthermore, Federal Rules of Civil Procedure 26(c) and 26(d) vest the Court with authority to limit the scope of discovery or control its sequence. *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998) (“Rule 26 vests the trial judge with broad discretion to tailor discovery narrowly and to dictate the sequence of discovery.”).

This Court therefore has broad discretion to extend deadlines or stay proceedings as incidental to its power to control its own docket – particularly where, as here, such action would promote judicial economy and efficiency. *Bacon v. Reyes*, 2013 U.S. Dist. LEXIS 143300, at \*4 (D. Nev.

Oct. 3, 2013) (*citing, Munoz-Santana v. U.S. I.N.S.*, 742 F.2d 561, 562 (9th Cir. 1984)) (“Whether to grant a stay is within the discretion of the court”); *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) (“A district court has discretionary power to stay proceedings in its own court.”); *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

For the foregoing reasons, the parties stipulate and respectfully request that this Court modify the Stipulated Discovery Plan and Scheduling Order, Dkt. 41, as follows (requested modifications are **bolded**):

PROPOSED DATE	DEADLINE
March 8, 2021	Case-specific fact discovery closes <b>with the exception of depositions of Plaintiffs’ disclosed family and friend witnesses and Defendants’ applicable territory and district managers (which shall be taken no later than 30 days before trial is scheduled to begin).</b>
April 5, 2021	The Plaintiffs shall produce case-specific expert reports.
May 3, 2021	The Defendants shall produce case-specific expert reports.
May 31, 2021	The Plaintiffs shall produce any case-specific rebuttal expert reports.
June 28, 2021	The Defendants shall produce any case-specific rebuttal expert reports.
July 26, 2021	Deadline to depose the Plaintiffs’ case-specific experts.
August 23, 2021	Deadline to depose the Defendants’ case-specific experts.
September 20, 2021	Deadline to file Daubert motions and other dispositive motions.

///

///

///

///

///

///

///

1 **IT IS SO STIPULATED.**

2 Dated this 12<sup>th</sup> day of February 2021.

3 WETHERALL GROUP, LTD.

GREENBERG TRAURIG, LLP

4 By: /s/ Peter C. Wetherall

By: /s/ Eric W. Swanis

5 PETER C. WETHERALL, ESQ.  
6 Nevada Bar No. 4414  
7 9345 W. Sunset Road, Suite 100  
8 Las Vegas, Nevada 89148  
9 Email: [pwetherall@wetherallgroup.com](mailto:pwetherall@wetherallgroup.com)

10 *Counsel for Plaintiffs*

ERIC W. SWANIS, ESQ.  
Nevada Bar No. 006840  
GLENN F. MEIER, ESQ.  
Nevada Bar No. 006059  
10845 Griffith Peak Drive, Suite 600  
Las Vegas, Nevada 89135  
Email: [swanise@gtlaw.com](mailto:swanise@gtlaw.com)  
[meierg@gtlaw.com](mailto:meierg@gtlaw.com)

CHRISTOPHER J. NEUMANN, ESQ.\*  
MATTHEW L. CROCKETT, ESQ.\*  
GREGORY R. TAN, ESQ.\*  
CANDACE UDUEBOR, ESQ.\*  
\*Admitted Pro Hac Vice  
GREENBERG TRAURIG, LLP  
1144 15<sup>th</sup> Street, Suite 3300  
Denver, Colorado 80202  
Email: [neumannc@gtlaw.com](mailto:neumannc@gtlaw.com)  
[crockettm@gtlaw.com](mailto:crockettm@gtlaw.com)  
[tangr@gtlaw.com](mailto:tangr@gtlaw.com)  
[uduebor@gtlaw.com](mailto:uduebor@gtlaw.com)

LORI G. COHEN, ESQ.  
Admitted Pro Hac Vice  
GREENBERG TRAURIG, LLP  
Terminus 200  
333 Piedmont Road NE, Suite 2500  
Atlanta, Georgia 30305  
Email: [cohenl@gtlaw.com](mailto:cohenl@gtlaw.com)  
*Counsel for Defendants*

20 **ORDER**

21 IT IS ORDERED that the parties' stipulation is GRANTED. To the extent the excepted  
22 depositions are necessary for either party's summary judgment briefing, the excepted  
23 depositions must be taken prior to the deadline for dispositive motions.

24 **IT IS SO ORDERED**

25 **DATED:** 5:35 pm, February 16, 2021

26 

27 **BRENDA WEKSLER**  
28 **UNITED STATES MAGISTRATE JUDGE**